

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MICHAEL PARSONS

Plaintiff,

V.

INTERTEK USA, INC. f/k/a CALEB BRETT, §  
USA and INTERTEK CALEB BRETT, INC. §

Defendant.



C.A. NO.:4:11-cv-1769

### **COMPLAINT AND DEMAND FOR JURY TRIAL**

COMES NOW the Plaintiff, MICHAEL PARSONS, by and through his undersigned counsel,  
and sues the Defendant, INTERTEK USA, INC. f/k/a CALEB BRETT, USA and INTERTEK  
CALEB BRETT, INC., for unpaid overtime wages and in support thereof states as follows:

1. Plaintiff brings this action for overtime compensation under the Fair Labor Standards Act, as amended, 29 U.S.C. §216(b).
2. Plaintiff is an individual residing in Tarrant County, Texas.
3. Defendant is a corporation formed and existing under the laws of the State of Louisiana and at all time relevant to this claim operated a business located in Harris County, Texas.
4. Jurisdiction is conferred on this Court by Title 28 U.S.C. §1337 and by Title 29 U.S.C. §216(b). At all time pertinent to this Complaint Defendant was an enterprise engaged in interstate commerce. Additionally, Plaintiff was individually engaged in commerce and his work was essential to Defendant's business. Venue is proper in this district under 28 U.S.C. § 1391.
5. Plaintiff has worked for Defendant from October 2006 through June 2010 as an

inspector.

6. During one or more workweeks of Plaintiff's employment with Defendant, Plaintiff worked in excess of 40 hours ("overtime hours").

7. Defendant failed to pay Plaintiff one and one-half times his regular rate of pay for those weeks in which he worked overtime hours.

8. The acts described in the preceding paragraphs violate the Fair Labor Standards Act, which prohibits the denial of overtime compensation for hours worked in excess of forty (40) per workweek. Defendant willfully violated Plaintiff's right to overtime under the FLSA.

9. As a result of Defendant's unlawful conduct, Plaintiff is entitled to actual and compensatory damages, including the amount of overtime which was not paid and which should have been paid.

10. Plaintiff further seeks liquidated damages as a result of Defendant's willful failure and refusal to pay overtime in violation of Section 7 of the FLSA, 29 U.S.C. § 207.

11. Plaintiff also seeks compensation of the out of pocket expenses and costs of court he will have incurred in this action. Plaintiff is also entitled to reasonable and necessary attorneys fees. See 29 U.S.C. § 216(b).

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that:

1. The Court assume jurisdiction of this cause and that Defendant be cited to appear;
2. The Court award damages to Plaintiff as specified above;
3. The Court award reasonable and necessary attorneys' and expert fees and costs;
4. The Court award Plaintiff pre- and post-judgment interest at the highest rates allowed.

Plaintiff further prays for any such other relief as the Court may find proper, whether at law or in equity.

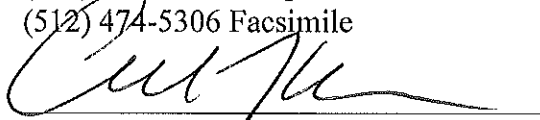
**JURY TRIAL DEMAND**

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted this 9th day of May, 2011.

Respectfully submitted,

ROSS LAW GROUP  
1104 San Antonio Street  
Austin, Texas 78701  
(512) 474-7677 Telephone  
(512) 474-5306 Facsimile



Charles L. Scalise  
ATTORNEY FOR PLAINTIFF